

Attachment to notice of Allowance

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/31/2009 has been entered. Claims 11, 17 and 18 have been amended. Claims 15-16 and 19-20 have been canceled. New claim 29 has been added.

Status of Claims

2. Claims 11, 12, 13, 14, 17, 18 and 29 are currently pending in this application.

DECLARATION UNDER 37 C.F.R. § 1.132

3. The declaration under 37 CFR 1.132 of Allan Mishra filed 8/31/2009 is acknowledged.

Rejections Moot

4. Rejection of claim 19 under the judicially created doctrine of obviousness-type double patenting, made in paragraph 8 of action mailed 10/30/2008 is moot in view of cancellation of said claim.
5. Rejection of claims 15-16 and 19-20 under 35 U.S.C. 103 (a) made in paragraph 14 of the office action mailed 10/30/2008 is moot in view of cancellation of said claims.

Rejections Withdrawn

6. Rejection of claims 11 and 12 under the judicially created doctrine of obviousness-type double patenting, made in paragraph 8 of action mailed 10/30/2008 is withdrawn in view of applicant's amendments of 8/31/2009.
7. Rejection of claims 11, 12, 13, 14, 17, 18 under 35 U.S.C. 103 (a) made in paragraph 14 of the office action mailed 8/10/2007 is withdrawn in view of applicant's amendments of 8/31/2009 and declaration under 37 CFR 1.132 of Allan Mishra filed 8/31/2009.

EXAMINER'S AMENDMENT

8. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Che Swyden Chereskin (reg # 41,466) on 10/082009.

Please amend claim 11 as following:

11. (Currently amended) A method for treating glioblastoma cancer comprising:
extracting blood from a patient in need of cancer treatment;
concentrating platelets from the blood;
processing the platelets in a manner which breaks open the platelets and obtaining an injectable platelet releasate;
formulating the platelet releasate into an injectable formulation buffered to a pH of 7.4 ± 5%; and
injecting the platelet releasate to the patient in need of said glioblastoma cancer treatment.

Reasons for allowance

9. The following is an examiner's statement of reasons for allowance:

Claims 11, 12, 13, 14, 17, 18 and 29 are allowed. Claims are renumbered 1-7. The declaration under 37 CFR 1.132 of Allan Mishra filed 8/31/2009 is sufficient to overcome the rejection of claims 11, 12, 13, 14, 17and 18 based upon unexpected results.

Applicant presented the Declaration by the inventor which shows the effectiveness of the claimed method in glioblastoma cancer treatment. The Declaration corresponds to the Power Point presented at the July 22nd interview. The cancer cells chosen for the experiment were glioblastoma cells which is an aggressive brain cancer. Patients with this form of brain cancer have a median survival time of 3 months if no treatment is provided. As can be seen in Figure 1 of the Declaration, human glioblastoma cells have

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an undifferentiated, cancer-like morphology. After 10 days culture in the presence of 10% platelet releasate, the morphology has normalized (Figure 2). A possible astrocyte is shown in Figure 3. The platelet releasate-treated cancer cells appear to actually revert to a normal morphology as indicated by Figures 2 and 3. This result is even more unexpected in view of the art-accepted view of the role of growth factors in promoting cancer proliferation.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khatol Shahnan-Shah whose telephone number is (571)-272-0863. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert B. Mondesi can be reached on 571-272-0956.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Khatol S Shahnan-Shah/

Examiner, Art Unit 1645

October 20, 2009

/Robert B Mondesi/

Supervisory Patent Examiner, Art Unit 1645